

New Castle City Council Public Hearing and Special Meeting
Town Hall – 201 Delaware Street
Tuesday – November 13, 2012 – 6:30 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Mayor Donald Reese, Treasurer Janet Carlin, City Administrator Cathryn Thomas, Building Official Jeff Bergstrom, City Solicitor Daniel Losco, Code Enforcement Officer John Lloyd

President Barthel said this meeting and public hearing is concerning the establishment and imposition of Temporary Parking Restrictions for the entire length of Washington Street, from November 14, 2012 to July 15, 2013, including that violators will be subject to being towed as this shall be designated as a Tow Away Zone.

This relates to the project on Washington Street that DelDOT has been planning.

Administrator Thomas said it is a DelDOT project and involves a number of streets in addition to Washington Street—Seventh and South streets. To get all of the work done, it has to be no-parking on Washington Street. In addition to the roadwork, they will be replacing some MSC 100-year-old water lines. The project originally was going to start in August.

Councilperson Gaworski asked if parking is allowed at night and if it is limited to certain areas at different times. He said it is going to cause a hardship for residents in terms of places to park.

Administrator Thomas said she would check with DelDOT. This is what DelDOT is seeking.

A discussion was held about where people could park.

Earl Carpenter said the problem is if you don't enforce something from the start they will spend half their time trying to find out who the cars belong to.

President Barthel said it is worth having a discussion with DelDOT about the issue and if there are accommodations that can be made.

Councilperson Petty made a motion to adjourn the Public Hearing. Councilperson Megginson seconded the motion. It was passed unanimously.

The Public Hearing adjourned at 6:47 p.m.

New Castle City Council
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – November 13, 2012 – 7 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Mayor Donald Reese, Treasurer Janet Carlin, City Administrator Cathryn Thomas, Building Official Jeff Bergstrom, Police Chief Kevin McDerby, City Solicitor Daniel Losco, Code Enforcement Officer John Lloyd, state Representative James Johnson

President Barthel recognized and thanked Representative Johnson for being at the meeting. The City had reached out to him since a good portion of the agenda relates to the recent storm, and he has been a great supporter of the City's efforts related to the dikes.

Approval of Minutes by Date

A motion was made by Councilperson Petty to approve the minutes of October 9 and October 23, 2012. Councilperson Megginson seconded the motion. The minutes were approved unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that, as of October 31, 2012: Petty cash on hand was \$1,100; monthly deposits, \$199,418.07; total cash in checking and saving accounts in M&T Bank, \$705,569.68; total certificates of deposit, money market and Delaware Government Investment Pool, \$2,958,346.75; and total cash on hand, \$3,663,916.43.

A motion was made by Councilperson Cochran to approve the Treasurer's Report. Councilperson Petty seconded the motion. The report was approved unanimously.

Report from the City Administrator

Administrator Thomas said she did a regular written report and special four-page written report about the storm, which she hopes will be helpful to the City and FEMA.

President Barthel said the report was accepted as presented.

Staff reports

President Barthel said the staff reports were accepted as presented.

Grant Review

Councilperson Cochran provided the review. Grant activity: Buttonwood drainage, \$18,030; Banks Bldg., \$4,000; Flood/Dike Control, \$100,000; Broad Dike Wetland Protection, \$800,000; Storm & Water Pond Retrofits, \$1,710,627; recycling grant, \$21,600; and American Recovery & Investment Act, \$19,199.94.

Business from the Floor

President Barthel asked that any comments related to Hurricane Sandy wait until after the presentations related to it.

Business from the Mayor

Mayor Reese said he wanted thank all the people who worked so hard during and after the storm.

Business from the Council President

President Barthel said that in many regards the City was spared, when you look at other areas. Nevertheless the City did get hit pretty hard. He said he was impressed with the coming together of the Police Department, the Fire Department and the entire City. It is comforting to know that those folks are there, particularly in such situations. He read a list of acknowledgments of folks who worked with City and continue to: City Police Department, Volunteers in Police Service or VIPS, the New Castle City Public Services Department, Public Works, Code Enforcement, City Finance and Human Resources Department, MSC, the Trustees of the New Castle Common, Good Will Fire Department, Holloway Holloway Terrace Fire Co., Minquas Fire Co., New Castle County Office of Emergency Management, New Castle Conservation District; DEMA, DNREC, DelDOT, New Castle Community Correction Centers, U.S. Coast Guard, FEMA, and many anonymous citizens who assisted with debris removal and private contractors that assisted the City.

President Barthel also especially noted the work of Administrator Thomas who put in time tirelessly the weekend of the storm and after the event and coordinated with many organizations he mentioned.

President Barthel recognized that newly elected state Senator Nicole Poore was also now in attendance. The City had reached out to her as well. He thanked her for coming to the meeting.

Report on Hurricane Sandy:

Administrator Thomas said the City lost the pier, a good part of the walkway in Battery Park was destroyed and all three of the dikes sustained damage. Also the walkway out on Gambacorta Dike was damaged too. The overriding concern is the damage to the City's dikes. The Conservation District's Kevin Donnelly arranged for the City to get emergency repairs in place so that when the Nor'easter came through after Hurricane Sandy the City was protected. The City was very much at risk, even with as minimal of an event as the Nor'easter turned out to be. She did ask FEMA and DEMA to attend the meeting but they were not in a position to because the disaster declaration is not in place yet for Delaware.

Mrs. Thomas said the bottom line is close to \$3 million worth of damage in the City, much of it to the dikes. In addition, there is a mountain of debris to remove. The repair amount for the pier is \$237,000.

She said \$1.85 million worth of damage in the County is needed to get the disaster declaration to have the coverage covered by FEMA. Initial coverage would be 75 percent of the cost. The City was the hardest hit in New Castle County.

Kevin Donnelly, district coordinator of New Castle Conservation District, said that with him at the meeting is Gary Emmanuel, project manager of the Delaware Bay Dikes Project.

Mr. Donnelly gave a recap of the events leading up to the storm. He got a call on the Friday before the storm from the Delaware Department of Natural Resources and Environmental Control regarding plans for the Red Lion Dike. It was determined through the expertise of O'Brien & Gere to place 70 one-ton sandbags at Red Lion. The crews worked all day Sunday and on Monday. On Wednesday he received a call from Mrs. Thomas asking if he and O'Brien & Gere could attend a meeting on Thursday morning. They walked the three dikes in the City and looked at Army Creek, which was the most damaged. After the review, they convened and discussed what needed to be done in the face of the Nor'easter. It was decided that the Conservation District would call again on the services of Merit Construction Engineers to place the sandbags at Gambacorta and Army Creek dikes. On Saturday through

Wednesday, they put 205 one-ton sandbags at Gambacorta and 210 bags at Army Creek. The cost is time and materials. There is not a final bill yet. He expects the life expectancy of the bages to be perhaps two years.

Mr. Donnelly said at this point they don't see any reason for the City to change its priorities. They still view Buttonwood as the dike the City wants to start with. They have had a discussion with the DNREC Secretary. There is interest, if possible, from a funding standpoint in getting all three dikes in the City out to bid for reconstruction as soon as possible. He said there is definitely a need to take care of Red Lion, which is worse off than any of the City's dikes, but a lot of people live in town and the City dikes need to be taken care. If the damages to Buttonwood and Broad Marsh dikes had been similar to the damages at Red Lion, there would be serious challenges in the community.

Mr. Emmanuel said they had presented the preliminary design report that had presented the recommendations for the City's dikes. The costs in the report are not specifically related to Hurricane Sandy damage. Hurricane Sandy damages would have been less if the recommendations had been carried out. The recommendations would have provided protection for the integrity of the dikes. He said this was a single event and they can't predict the next storm would have the same effect. But this experience tells them the proposed improvements would help to protect the dikes.

Mr. Emmanuel said the highest tide at Reedy Point was higher than the lowest points in Buttonwood and Broad dikes. Initial recommendations to raise the dikes to 8.5 feet would substantially protect the areas behind the dike and protect the dikes from overtopping. They would also help get the dikes in the Army Corps program.

President Barthel said his figures are that the probable construction costs would be \$4.6 million. Total repair costs are estimated at \$2.5 million. He asked if there would be federal monies available to the City to allow it to expedite the process, and is there a way to not first repair them and then go back and spend more money to improve, but instead to do it all together in terms of timeliness and redundancy of costs.

Mr. Emmanuel said that will depend on the terms and conditions of the FEMA funding, should it become available to the City. Second, it depends on whether they can secure the necessary permits for first Buttonwood and then the other two dikes in order to move forward uniformly. Also the estimates he provided for the repairs are essentially based on much of the same activities detailed in the original cost estimate that O'Brien & Gere put together. For example, site preparation is the same type of activities in repairs and reconstruction. Just because there is a cost estimate does not mean that they should not do it with the foresight of knowing they are going to go to full construction in the short term. It would not be, in his view, a case of doing 80 percent of the work for the repair and then going back and tearing it all down and starting over. You want to capture as much as can the initial stages of repair. If the repairs are done the improvement costs will go down.

President Barthel asked if they can put a percentage on what the costs would go down.

Mr. Emmanuel said they could come up with one.

Sara Cooksey said that's why the DNREC Secretary would like to get the requests for proposals out. He is thinking the same thing. He would like to get the costs to give as much flexibility as possible.

Mr. Donnelly said the combination of funding from various sources would be sought to work on as many dikes as possible. The need to find a way to get the total amount needed to get all three dikes done as soon as possible. The Secretary's vision from a contracting standpoint—they've already talked

with O'Brien & Gere, they can write a contract that allows for the three dikes to go out to bid, because the scope of work is not that different.

Mr. Emmanuel said the current cost estimates are one-at-a-time prices. If a single contract could be let, there would be lot of administrative economies of scale.

Mr. Donnelly said there would be national companies interested in the opportunity.

Councilperson Cochran said it is something that needs to be done now.

Mr. Donnelly said the Secretary does not want to wait. He has been out there with and without the Governor. He is interested in getting the work done on behalf of the people of the City.

Councilperson Petty said that she has heard, since the discussion of the dikes began, a lot of ifs. In the meantime, everyone can see what has happened. She still is hearing ifs and not hearing anything concrete. It has taken too long. She asked why it would take all this time for permits—why a year?

Mr. Donnelly said it took a year to get a permit from the Army Corps of Engineers on another project in Delaware City. He was told by the permit writers it was the most complicated permit he had dealt with. He said in the case of Broad Marsh—this is something the City needs to get more engaged with—they told the City in August about the need to extend the dike to tie the ends out, which could impact the historical area of the town. If it's going to get into the Army Corps' RIP program, Broad Marsh is going to need to be extended and tied in. Until that happens, until the community says it is willing to live with it and willing to consider it, there is not a good timeframe for Broad Marsh. There are archeological surveys that have to take place because of the historic significance of that part of town.

President Barthel said the City did not hear about the tie-ins for the dikes until August. The City is still at their mercy in terms of what it can present. The City will do whatever is needed to get that information out. That is why they were invited tonight and why the City has been having meetings for three and one-half years.

Mr. Donnelly said it is hard and would be costly to come up with definitive plans until they hear whether the community in general would consider the tie-ins.

Mr. Emmanuel said the same is true at Gambacorta.

Councilperson Megginson asked who has to apply for the permits and if the City will have guidance.

Mr. Donnelly said ultimately the City will put its signature on the application. They will provide guidance and the City will get the right permit.

President Barthel asked if the dams that received State money were as affected as the dikes by the storm.

It is uncertain whether the priority has changed in terms of dikes and dams.

Earl Carpenter said there is only one New Castle and all he hears is why it can't be done now. The numbers mentioned, \$4.6 million, are a lot of money for the City of New Castle, but they are not a lot of money for the State or the U.S. Government. He added that they are talking about spending time on archeological digs, and said the town might become a swamp where they can dig down to find the

houses. He said that amount of money would be paid by insurance companies if six houses were destroyed. He said the amount of money is peanuts.

Mike Alfree of Harmony Street said it is amazing that a big shot just went across the City of New Castle, and we are talking about permits. He suggested going over to New Jersey, take a couple of photos of the towns that have been destroyed, and send it off to the necessary people. Tell them either do it now or send your historic people out 10 years from now or five years from now and go dig around. He added \$4.6 million is a drop in the bucket.

Sally Denton of East 2nd Street said she walked the Broad Dike yesterday and said it is almost gone, and if the Nor'easter had come in she is sure her street would be gone. It is an extremely dangerous situation.

State Rep. Johnson said he came to show his support for the city of New Castle and the construction of the dikes, not only because of the effect it has on the City, but also the surrounding area. If those dikes are breeched, it would not only affect the City of New Castle but all the way up to Jefferson Farms where he lives. He also spoke in defense of the engineers, particularly Mr. Donnelly. Rep. Johnson said he has already been in discussions with the Secretary of DNREC who told the representative that they are going to rebuild all three dikes, with the exception of the Army Creek dike. They are a priority with the State. The State is concerned about City of New Castle and other areas, with rising sea levels, particularly South Wilmington. The Secretary has pledged to show the same priority he has shown with the lower part of the State with the rising sea level. From a legislator's point of view, he said we support getting the dikes rebuilt and will let the engineers get the permitting done.

Barbara Alfree, of Harmony Street, said last year she attended one of the meetings on the dike. She was surprised to learn that \$4 million were dedicated for the dikes but \$13 million for walking trails. The State should put \$13 million toward the dikes.

President Barthel said as they heard the population of the City is behind doing whatever can be done for the dikes and done as quickly as possible.

Dave Carpenter Jr. coordinator of New Castle Emergency Management provided an update on the process. The State of Delaware and New Castle County have been collecting damage reports. He said Administrator Thomas has been his quarterback in terms of New Castle County possibly getting an emergency declaration. The County has to reach a certain threshold to get such a determination—\$1.875 million. New Castle County does not typically reach that threshold. FEMA assistance is not set up as a handout; it is set up for catastrophic situation. Everyone is looking at this as a catastrophic situation for the City of New Castle. Right now they are at the data collection process. The next step is making a request from FEMA of a preliminary damage assessment, which they did last week. Administrator Thomas went with them along with FEMA folks. There are 30 days following the disaster to request the emergency declaration. They are hoping they exceed the threshold. The FEMA process is not a quick process. The area is not going to see any assistance from FEMA for individual houses or businesses in New Castle County. There is no declaration right now, so there is no FEMA money. Every FEMA application is a 75-25 split, 75 percent federal funds and 25 percent local money. In addition, they are looking at putting together a FEMA grant application for one of their pre-disaster mitigation funds or the hazard mitigation grant program. That will take at least a year to get approval. The plans allow going up to 100 percent above the repair cost in order to replace.

Rep. Johnson asked if it has been determined to be a superstorm or a hurricane because it makes a difference in terms of deductibles for private property.

Dave Carpenter said he is not sure what it has been deemed for New Castle County. It has been called an extra-tropical cyclone when it passed over. It will be up to the individual insurance companies.

Mr. Alfree said he is president of the Trust of New Castle Common and he and President Barthel have met and the Trust is going to support the City in terms of meeting bills and invoices as it can, short- and long-term. As a resident of Harmony Street, Mr. Alfree asked why we don't call Tom Carper, who wants a National Park, and say we need \$4.5 million. It is like peanuts. Or call Chris Coons or the governor.

President Barthel said the City appreciates the Trust's support.

Mike McGowan a representative with Sen. Coons, spoke in support of Mr. Donnelly. He said the message at the meeting will be shared with Sen. Coons.

Dave Carpenter said he wanted to thank Administrator Thomas' efforts throughout the past week. Whenever they asked for something the City of New Castle was very responsive. They set up communications with Mrs. Thomas and Chief McDerby during the storm and after the storm. He also thanked the area fire departments, City personnel and VIPS.

New Business

1. Motion, Discussion and Vote on Resolution No. 2012-29, establishing and imposing Temporary Parking Restrictions for the entire length of Washington Street, from November 14, 2012 to July 15, 2013, including that violators will be subject to being towed as this shall be designated as a Tow Away Zone.

Councilperson Petty made a motion to approve the resolution. Councilperson Cochran seconded the motion. The motion passed unanimously.

2. Discussion of work proposed by the Tree Commission to be performed by a professional contractor.

Councilperson Megginson said New Castle is a town with old trees and the City does have to do a lot of maintenance. Thankfully the City has done the maintenance in the past and no limbs came down and knocked out the electric during the storm. He said he was impressed with John Lloyd's report.

Mr. Lloyd said the current requisition before the City comes to a little more than \$13,000. These trees were what was picked out for an unsuccessful grant proposal, but still need to be taken care. He obtained four bids. Kerns Bros. bid \$13,020 and Tree Inc., which is the current contractor, is \$13,520. The other bids were higher. He would prefer to select the current contractor.

President Barthel asked what the recent invoice was for?

It was for \$3,500 for removals and the work is in progress.

Mr. Lloyd said it was about 50 percent for the fiscal year.

Councilpersons Megginson and Cochran said it is something that has to be taken care.

Mr. Lloyd said there are no plans for additional plantings.

The consensus of Council was to authorize the spending.

Mayor Don Reese said the trees are the weak link in the electrical system.

3. Discussion of the City's request to the Trustees for funding for the 2013/14 fiscal year.

President Barthel said he had talked with the Trustees about City concerns about being able to get the request in by the end of November due to the storm. The Trustees agreed that it would not be a problem. He said he would like to set up a Special Council Meeting on Nov. 27 to talk about the request.

4. Motion, Discussion and Vote on Resolution No. 2012-30, approving a change order for the contract with Greggo & Ferrara for the Road and Street Repair Program, adding sections of concrete work on curbs and gutters to be repaired and replaced on 13th Street and accounting for additional excavation and fill material needed for work done on The Strand and West 9th Street.

Councilperson Megginson made a motion to approve the resolution. Councilperson Petty seconded the motion.

Councilperson Megginson said when Jeff Bergstrom and David Athey looked at the areas they picked out the worst of the gutters so the project could stay within the budget. When the contractor came in to look at it they decided that in order to tear up the street these gutters would have to be replaced. It will still be within the funds the City has. The rest of the work should be straight contract. The other possible adjustment would be where there is excavation, such as in Dobbinsville. He said if the City is going to do this work it should do it right.

The motion passed unanimously.

5. Comments from the floor.

Jeff Lank from the Jaycees provided a token of support to City Council and other officials.

An unidentified resident complained about a neighbor having many cats, and he has had to replace his grass. The individual feeds the cats.

President Barthel said he should meet with Building Official Bergstrom to go over the problems.

A brief discussion was held about regulations related to feral cats and other options.

Councilperson Cochran made a motion to adjourn. Councilperson Megginson seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk